THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.23183 of 2006

15.11.2006

Between:

Mondam Subbaiah @ Nakka Subbaiah, S/o.Masthanaiah

... Petitioner

AND

The District Collector, Nellore District
And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23183 of 2006

ORDER:

The petitioner and his three brothers are allegedly in possession of land admeasuring Acs.1.00 in survey No.332 of Kanupur (Bit-I) village of Venkatachalam Mandal in Nellore District. According to the petitioner, he and before him, his ancestors were in long possession of the land for a period of eight decades past. He alleges that respondents 4 and 5, with a view to evict the petitioner and allot the land as house sites, are trying to dispossess the petitioner without due process of law. Therefore, the present writ petition is filed seeking a direction to respondents not to dispossess the petitioner without due process of law.

The petitioner has produced three third party affidavits given by three persons, who are allegedly residing in the same area. The petitioner also relies on a handwritten certificate issued by one Teruru Subbaramaiah, sarpanch of the village, to the effect that the petitioner and his brother Masthanaiah were in possession of the house site for the last seventy (70) years. Though the learned Counsel for the petitioner placed reliance in support of the contention that the petitioner is in possession, this Court is of considered opinion that it would not be safe to arrive at such conclusion based on such third party affidavits. Further, as rightly pointed out by the learned Assistant Government Pleader for Revenue (General-A), the writ petition is filed on mere apprehension. There cannot be any doubt that if the petitioner is to be dispossessed from the land, which is allegedly in possession belonging to the Government, the authorities would follow due process of law. This observation would be sufficient redressal in this writ petition.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

November 15, 2006

YS